

REMARKS

Claims 1-52 are present in this application. Claims 33-52 were subjected to a restriction requirement and withdrawn. Claims 1-32 were examined. Claims 1-16 stand rejected, but claims 17-32 are allowed. In response to the above-identified Office Action, Applicants amend claim 1 (pursuant to a telephone discussion with the Examiner on 13 March 2007) and cancel withdrawn claims 33-52. Support for the amendment is at ¶¶ [0018], [0026], [0037], [0043]-[0044], and elsewhere, and Figure 3. Reconsideration of the rejected claims in light of the aforementioned amendment and the following remarks is requested.

I. Claims Rejected Under 35 U.S.C. § 101

The Examiner rejected claims 1-16 under 35 U.S.C. § 101. Claim 1 is amended to recite a method comprising several operations, including generating an offset map and storing the offset map to a backup image on a storage device. The Examiner asserts that the method fails to recite a tangible result, and is therefore out of compliance with the requirements of 35 U.S.C. § 101 according to the Interim Guidelines (“*Guidelines*”). Applicants believe the claim, as amended, is statutory because it recites a method that results in the creation of a useful, tangible item: a storage device containing a backup image that can be processed quickly. Thus, Applicants respectfully submit that the method of claim 1 is like the material found patentable in *In re Lowry*, 32 F.3d 1579, noted in the Interim Guidelines.

To elaborate, note that Applicants do not claim a method of merely computing or imagining the offset map. Rather, claim 1 recites “*storing the offset map ... on a storage device.*” This operation produces a computer-readable medium containing new, functional descriptive material (the offset map), as well as non-functional information (the backup image data). The offset map permits a subsequent restore operation using backup image data prepared as claimed to proceed more quickly, as explained in ¶ [0020]. Thus, the claimed method is like *Lowry*, in that it produces a “data structure on a computer readable medium that increases computer efficiency” (*Guidelines*, p. 50).

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw this rejection of claim 1.

Claims 2-16 depend directly or indirectly on claim 1, and are believed to be patentable for at least the reasons discussed in support of their base claim. Applicants respectfully request that the Examiner withdraw the rejections of these claims as well.

II. Allowable Material

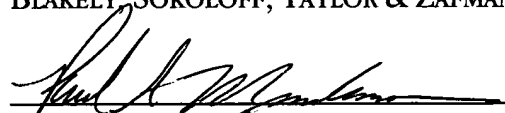
Applicants note with appreciation that the Examiner has determined claims 17-32 to be allowable.

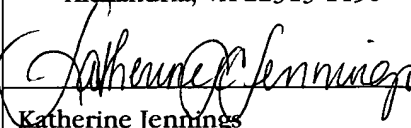
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-32, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,
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Dated: March 14, 2007


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<p>12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (310) 207-3800</p>	<p style="text-align: center;"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that the correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail, in an envelope addressed to:</p> <p style="text-align: center;">Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p> 3-14-2007 Katherine Jennings Date</p>
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